

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**JOHN F. MORGAN,**

**Petitioner,**

**V.**

**ERIE COUNTY COURTHOUSE,**

**Respondent.**

$$\left. \begin{array}{l} ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \end{array} \right\}$$

**Civil Action No. 05-244Erie**

## ORDER

This matter has been referred to United States Magistrate Judge Susan Paradise Baxter in accordance with the Magistrates Act, 28 U.S.C. §§ 636 (b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation filed on November 8, 2005, recommended that Plaintiff's "Petition for Writ of Habeas Corpus" (Doc. 1) be dismissed for failure to prosecute. The parties were allowed ten (10) days from the date of service to file any objections. Service was made on all parties. Plaintiff has filed no objections to the report and recommendation.

After *de novo* review of the documents in the case, together with the report and recommendation, the following Order is entered:

AND NOW, to-wit, this 18th<sup>th</sup> day of January, 2006, IT IS HEREBY ORDERED that the report and recommendation of Magistrate Judge Baxter dated November 8, 2005 be and hereby is adopted as the Opinion of this Court.

s/ Maurice B. Collier, Jr.

Maurice B. Cohill, Jr.  
Senior United States District Judge

cc: The Honorable Susan Paradise Baxter  
United States Magistrate Judge

all parties of record